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C O N F I D E N T I A L SECTION 01 OF 04 BEIRUT 000430

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SUBJECT: LEBANON: SINIORA DETAILS TRIBUNAL STRATEGY

Classified By: Ambassador Jeffrey D. Feltman. Reason: Section 1.4 (b)

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SUMMARY

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¶1. (C) In a 3/23 meeting, PM Siniora explained that he intends to take advantage of a flurry of diplomatic activity -- the upcoming visits to Beirut of Chancellor Angela Merkel, UNSYG Ban Ki-Moon, and U.S. Speaker Nancy Pelosi, as well as next week's Arab Summit -- to try to force the opposition to give in on the Special Tribunal. The Prime Minister briefed the Ambassador on an already-approved communique that should be released at the summit that strongly supports establishment of the tribunal at the earliest opportunity. If this added pressure fails to achieve progress, Siniora acknowledged that Chapter VII should be used without hesitation. Concerning UNSCR 1701 and Lebanon's border security, Siniora argued the situation in the south is quite good and becoming more stable with each passing week. He acknowledged the Syrian-Lebanese border is a serious problem and is searching for a politically-feasible way to tighten the frontier. His advisor, Amb. Chatah, suggested that a comprehensive package that addresses border delineation, IDF overflights, the divided village of Ghajjar, and Shebaa Farms would make it easier domestically to implement tougher measures on the Syrian-Lebanese border. Finally, the PM said that in addition to significantly tightening LAF's perimeter security around the Nahr al Bared refugee camp, he is working closely with the PLO and moderate Palestinian elements in the camp to confront and expel the internationally-wanted terrorist Shaker al-Absi. End summary.

¶2. (C) Prime Minister Fouad Siniora met with the Ambassador and Special Assistant in the still heavily-fortified Grand Serail on March 23. Senior GOL advisors Amb. Mohamed Chatah and Rola Nouraddine also attended the meeting. Siniora appeared confident and at ease, and said he was looking forward to discussing matters with his fellow Arab leaders at next week's Arab Summit in Riyadh.

PLANNING FOR THE ARAB SUMMIT

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¶3. (C) PM Siniora listened with interest to the Ambassador's briefing on the demarche sent to the capitals of the nations that will attend next week's summit. He expressed some surprise that the U.S. demarche did not more comprehensively and directly address the issue of the new Palestinian unity government, because he believes it will be a significant issue at the meeting. He expressed gratitude that the demarche unequivocally supported the immediate establishment of the Special Tribunal, and once again,

reiterated strong U.S. support for the democratically-elected government of Lebanon. On the Lebanon points in the U.S. demarche, Siniora and Chatah asked that the USG talk about presidential elections "on time" (i.e., by November 24), rather than specify that legislative elections take place only after presidential elections. Realistically, they note, legislative elections cannot precede presidential elections, if the latter are conducted on time. Moreover, by emphasizing the need for "on time" presidential elections, the U.S. protects its from criticism that it is stepping into Lebanon's internal politics.

14. (C) Siniora, who will be assisted at the summit by Acting Foreign Minister Tarek Mitri and Minister of Trade and Commerce Sami Haddad, indicated he will be a full participating member of the summit's closed meetings, but has not yet decided whether he will attend the public ceremonial meetings, where head-of-state President Emile Lahoud (who will be waited on by approximately 70 retainers, including "resigned" Foreign Minister Fawzi Salloukh) may characteristically try to upstage his beleaguered prime minister. Siniora did state that he has received assurances from his Saudi hosts that he will be treated prominently and with respect.

15. (C) According to Siniora, a major political coup has already been achieved by winning pre-summit approval of a communique that will be released by the attendees. Among the points made in the document: clear support for the establishment of a fully-empowered Special Tribunal that will have authority to judge all acts of political violence committed in Lebanon since November 2004 (the attempted assassination of pro-reform Minister Marwan Hamadeh), a call for the perpetrators of violence in Lebanon to be brought to

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justice before the court, and a declaration supporting the sovereignty of Lebanon, as well as regional support for its stabilization. Siniora believes this is a significant statement, hopes that it will not be changed or dropped at the last minute, and indicates that the pro-Syrian opposition may well face unexpected, and unusual, pressure from the gathered Arab heads-of-state. All things considered, Siniora feels this summit has the potential to greatly strengthen the hand of the pro-reform movement.

#### OVERALL STRATEGY FOR THE TRIBUNAL

16. (C) The prime minister explained that a number of recent and upcoming events have presented an excellent opportunity to take the initiative away from the March 8-Aoun opposition. Yesterday (3/22), Belgium Foreign Minister Karel De Gucht and British Commonwealth Office Minister Kim Howells both issued unprecedented statements that supported the immediate establishment of the tribunal, heavily criticized Syrian interference, and called for the timely opening of Lebanon's parliament, which is being single-handedly obstructed by pro-Syrian Speaker Nabih Berri. It was evident that Siniora enjoyed seeing Berri, the opposition's principal mouthpiece, receive some heat after months of severe pressure on the government.

17. (C) Siniora informed the Ambassador that he's going to take advantage of the opening by asking the Speaker of Egypt's parliament to make a similar call, as well as initiating a request to the European Parliament to throw its weight around. He acknowledged that Berri has an uncanny ability to sidestep pressure, but if it comes from several directions, Berri may be forced into some fairly threadbare defenses to explain his refusal to convene the legislature.

18. (C) The Prime Minister also intends to use the fortuitously-timed March 30 visit of UNSYG Ban Ki-Moon. Siniora said he will ask the SYG, who will be accompanied by UN OLA chief Nicholas Michel, to make a strong statement of

support for the tribunal, and will also try to highlight the expert work done on Lebanon's behalf by MOJ jurists Ralph Riachi and Chukri Sadr, so that if a commission is established to make "minor" adjustments to the tribunal, it would be logical that these experts would be members -- participation that Berri has quietly, but steadily tried to prevent. (Note: Nicholas Michel has reportedly been impressed by the legal contributions of Riachi and Sadr in the development of the tribunal documents and would be expected to give that opinion to SYG Ban if asked. End note.)

¶9. (C) Although the plan is still taking shape, Siniora also indicated that pro-reform members of Lebanon's parliament may deliver a petition to Ban that would clearly prove that a majority of the legislature favors immediate establishment of the court. (Note: The previous petition by March 14 MPs, in January, called for an opening of the parliament, for approval of the tribunal per se. End note.) Not only would this place added pressure on Berri, but it could prove important later on, if Chapter VII becomes the only way to move forward. Lastly, he wants to make sure that Ban's visit includes a meeting with Justice Minister Charles Rizk, a former friend of President Lahoud who is now one of the most eloquent cabinet ministers on the need for the court.

¶10. (C) Lastly, the Prime Minister hopes that the upcoming visits of German Chancellor Angela Merkel and U.S. Speaker of the House Nancy Pelosi -- both timed for April 2, making for complicated logistics -- will afford further opportunities to clearly enunciate international support for the tribunal and denunciation of the heavy-handed, anti-democratic tactics of the opposition. Siniora mused that even the agile Berri might be affected by a persistent call for change and openness by the international community.

#### WHEN IS THE TIME FOR CHAPTER VII

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¶11. (C) Even with the recent and about-to-occur events, Siniora realized it still will require either a unexpected change of strategy by Syria, or an even more unlikely unilateral move by Berri, to gain opposition approval for the tribunal. Since neither development seems likely, he asked the U.S. to begin preparations for Chapter VII action. Siniora understands it is the measure of last resort, and is certainly not guaranteed, but it may soon be the only option.

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Most ominously, Berri has been uncharacteristically clear in that he will not convene parliament in the "illegitimate presence of the Siniora cabinet" -- a phrase which convinces Siniora that a Lebanese solution is most unlikely.

¶12. (C) At this point, Amb. Chatah suggested that the UN and the members of the Security Council could perhaps do a better job of communicating exactly what Chapter VII is -- and is not. Chatah stated that in Lebanon, Chapter VII has unfortunately become synonymous with "governmental failure" and a perceived loss of sovereignty. Chapter VII has been presented as something frightening, leading either to civil war or loss of independence. These arguments need to be countered. Siniora said that he views Chapter VII as the most logical path to be taken, particularly when a disagreement (or investigation) involves more than one country, and that this interpretation should be pushed by Council members. In closing, the Prime Minister said he could not at this point state when his government will make a formal request for Chapter VIII consideration, but said once the constitutional options are exhausted, he would follow UNIIIC Commissioner Serge Brammertz' conclusion that Chapter VII "is not only crucial, but is also the next logical step." But, ominously, he said that he was not sure he would ever be able to ask formally for Chapter VII himself. (If we move toward Chapter VII, of course, we will have to work to see that Siniora understands why the UNSC

will want to see a specific Lebanese request -- and that it is in Siniora's interest to protect Lebanese sovereignty by being the one to make that request.)

UNSCR 1701 AND LEBANON'S BORDERS  
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¶13. (C) As he has in previous meetings, PM Siniora acknowledged the importance of effectively securing all of Lebanon's borders. Perhaps to deflect the criticism he knew was coming, Siniora emphasized that Lebanon's southern border situation was in good shape and that each passing week increased the area's stability. He reported that UNIFIL was operating in a manner that should satisfy the earlier concerns of both Israel and Lebanon. Regular tripartite discussions have come close to resolving the Ghajjar situation (although they were still pushing for a permanent resolution of the disputed area, rather than the "temporary" remedy reportedly favored by the Israelis), as well as improved demarcation of the Blue Line along previously ambiguous sections.

¶14. (C) Even in light of this good news, Siniora understood the necessity of addressing the difficult Syrian frontier. Again, as he has in earlier meetings, Siniora offered the eventual extension of the still-to-commence German northern border pilot program to Lebanon's eastern border -- and he said he would highlight the program during Merkel's visit -- but he would give no timeline. The Ambassador warned the Prime Minister that unless serious efforts were made to improve that border, there was a very real danger that unilateral Israeli action could result. Someone had to show action to stop the smuggling; better that Lebanon do so rather than leave it to Israel.

¶15. (C) The resulting pregnant pause was ended by Amb. Chatah's suggestion that a "comprehensive" approach to the still-unimplemented provisions of the UNSCR 1701 could ease the difficult political path the Siniora government faces in placing anything other than Lebanese forces on the border with Syria. Chatah argued that if all the issues still-to-be-faced by both sides were addressed simultaneously, they would have a far better chance to succeed, because one side would not be seen as making unilateral concessions. By comprehensive, the senior advisor meant: border delineation, Ghajjar, IDF overflights, rigorous border control, and the ever-present issue of Sheba Farms.

¶16. (C) As a sign of serious intent, Siniora revealed that the LAF was scheduled to destroy two illegal border "passages" on the Lebanese-Syrian border tomorrow (3/24). He said it was not easy forcing the ever-cautious LAF commander General Michel Sleiman to take this provocative action, but it had been done. Siniora's comment that his senior commander sometimes had "legs of butter" that had to be reinforced was not exactly a ringing endorsement of the politically-ambitious Sleiman, but probably gave an accurate picture of the internal challenges Siniora faces in addition to his numerous external ones. Siniora once again assured

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the Ambassador that he understood the situation and was doing all that could feasibly be done.

FATAH AL-ISLAM  
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¶17. (C) Addressing the continuing presence of the Sunni militant group Fatah al-Islam and its terrorist leader Shaker al-Absi in the Nahr al Bared Palestinian refugee camp located just outside Tripoli, PM Siniora stated that he has instructed the LAF units in the area to tighten their cordon around the camp and rigorously monitor all movement in and out. He also said that his government is coordinating with the PLO and moderate elements in the camp to put pressure on

the reportedly unpopular group to leave its sanctuary.

¶18. (C) Siniora indicated these were only the first steps in a serious attempt to take al-Absi into custody and advised the Ambassador that additional pressure was about to be applied. The Prime Minister said he fully understood the danger this terrorist and his group posed to both Lebanon and UNIFIL and indicated he would do everything in his power to apprehend the individual. He concluded, "Solving the Ain Alaq murders was a major coup for Lebanon, but we will not rest until all those who are guilty are in custody."

FELTMAN